



Attorney/Docket No. 31132.173
Customer No. 000046333

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hai H. Trieu

6

Serial No.: 10/785,260

Filed: January 27, 2004

For: Hybrid Intervertebral Disc System

§ Group Art Unit: 3768
§ Confirmation No.: 9578
§ Examiner: Isabella, David J.
§

SECOND INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited references are listed in numerical order and are not in any order based on their pertinence.

The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the ISA/EP on May 2, 2005, the foreign counterpart of the present application. A copy of the search report is enclosed.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, a copy of only the foreign patent documents listed on the enclosed modified Form PTO-1449 are attached.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

Julie M. Nickols
Registration No. 50,826

Date: June 21, 2005
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-21-05.

Gayle Conner

Printed Name

Signature



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|--|---|--------------------------|--------------------|
| In place of PTO-1449 Form U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | <i>Complete if Known</i> | |
| | | Application Number | 10/765,260 |
| | | Filing Date | January 27, 2004 |
| | | Applicant(s) | Hai H. Trieu, |
| | | Art Unit | 3738 |
| | | Examiner Name | Isabella, David J. |
| SHEET | 1 | OF | 1 |
| | | Attorney Docket Number | |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|----------|---|--------------------------------|---|-----------------|
| Examiner's Initials | Cite No. | Foreign Patent Document (Country Code - Number - Kind) | Publication Date MM-DD-YYYY | Patentee or Applicant of Cited Document | Translation Y/N |
| | A5 | EP 0 566 810 | 10/27/1993 | Sulzer Medizinal Technik | No |
| | A6 | WO 00/13619 | 03/16/2000 | Spinal Dynamics Corporation | Yes |
| | A7 | FR 2 787 014 | 06/16/2000 | Dimso | No |
| | A8 | FR 2 787 021 | 06/16/2000 | Dimso | No |
| | A9 | WO 00/53127 | 09/14/2000 | Sulzer Spine-Tech Inc. | Yes |
| | A10 | WO 03/094806 | 11/20/2003 | Ferree | Yes |

NON-PATENT LITERATURE DOCUMENTS

| Examiner's Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published |
|---------------------|----------|--|
| | A11 | Patent Cooperation Treaty – European Patent Office, "Notification of Transmittal of The International Search Report and The Written Opinion of the International Searching Authority, or the Declaration," May 2, 2005, 14 pages |

| | | | |
|-------------------------------|--|----------------------------|--|
| Examiner Signature | | Date Considered | |
|-------------------------------|--|----------------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.